



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,255	11/27/2000	Kathleen E. Rodgers	00-448A	5684

20306 7590 07/15/2002

MCDONNELL BOEHNEN HULBERT & BERGHOFF
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO, IL 60606

EXAMINER

CHISM, BILLY D

ART UNIT	PAPER NUMBER
----------	--------------

1653

DATE MAILED: 07/15/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.

FILE COPY**Office Action Summary**

Application No.

09/723,255

Applicant(s)

RODGERS ET AL.

Examiner

Billy D Chism

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1653

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-16, drawn to method of treating alopecia using a polypeptide:

Items 1-51

1. drawn to method of using polypeptide SEQ ID NO: 1, classified in class 514, subclass 2.
2. drawn to method of using polypeptide SEQ ID NO: 2, classified in class 514, subclass 2.
3. drawn to method of using polypeptide SEQ ID NO: 3, classified in class 514, subclass 2.
4. drawn to method of using polypeptide SEQ ID NO: 4, classified in class 514, subclass 2.
5. drawn to method of using polypeptide SEQ ID NO: 5, classified in class 514, subclass 2.
6. drawn to method of using polypeptide SEQ ID NO: 6, classified in class 514, subclass 2.
7. drawn to method of using polypeptide SEQ ID NO: 7, classified in class 514, subclass 2.
8. drawn to method of using polypeptide SEQ ID NO: 8, classified in class 514, subclass 2.
9. drawn to method of using polypeptide SEQ ID NO: 9, classified in class 514, subclass 2.
10. drawn to method of using polypeptide SEQ ID NO: 10, classified in class 514, subclass 2.
11. drawn to method of using polypeptide SEQ ID NO: 11, classified in class 514, subclass 2.
12. drawn to method of using polypeptide SEQ ID NO: 12, classified in class 514, subclass 2.
13. drawn to method of using polypeptide SEQ ID NO: 13, classified in class 514, subclass 2.
14. drawn to method of using polypeptide SEQ ID NO: 14, classified in class 514, subclass 2.
15. drawn to method of using polypeptide SEQ ID NO: 15, classified in class 514, subclass 2.
16. drawn to method of using polypeptide SEQ ID NO: 16, classified in class 514, subclass 2.

Art Unit: 1653

17. drawn to method of using polypeptide SEQ ID NO: 17, classified in class 514, subclass 2.
18. drawn to method of using polypeptide SEQ ID NO: 18, classified in class 514, subclass 2.
19. drawn to method of using polypeptide SEQ ID NO: 19, classified in class 514, subclass 2.
20. drawn to method of using polypeptide SEQ ID NO: 20, classified in class 514, subclass 2.
21. drawn to method of using polypeptide SEQ ID NO: 21, classified in class 514, subclass 2.
22. drawn to method of using polypeptide SEQ ID NO: 22, classified in class 514, subclass 2.
23. drawn to method of using polypeptide SEQ ID NO: 23, classified in class 514, subclass 2.
24. drawn to method of using polypeptide SEQ ID NO: 24, classified in class 514, subclass 2.
25. drawn to method of using polypeptide SEQ ID NO: 25, classified in class 514, subclass 2.
26. drawn to method of using polypeptide SEQ ID NO: 26, classified in class 514, subclass 2.
27. drawn to method of using polypeptide SEQ ID NO: 27, classified in class 514, subclass 2.
28. drawn to method of using polypeptide SEQ ID NO: 28, classified in class 514, subclass 2.
29. drawn to method of using polypeptide SEQ ID NO: 29, classified in class 514, subclass 2.
30. drawn to method of using polypeptide SEQ ID NO: 30, classified in class 514, subclass 2.
31. drawn to method of using polypeptide SEQ ID NO: 31, classified in class 514, subclass 2.
32. drawn to method of using polypeptide SEQ ID NO: 32, classified in class 514, subclass 2.
33. drawn to method of using polypeptide SEQ ID NO: 33, classified in class 514, subclass 2.
34. drawn to method of using polypeptide SEQ ID NO: 34, classified in class 514, subclass 2.
35. drawn to method of using polypeptide SEQ ID NO: 35, classified in class 514, subclass 2.
36. drawn to method of using polypeptide SEQ ID NO: 36, classified in class 514, subclass 2.
37. drawn to method of using polypeptide SEQ ID NO: 37, classified in class 514, subclass 2.
38. drawn to method of using polypeptide SEQ ID NO: 38, classified in class 514, subclass 2.

Art Unit: 1653

39. drawn to method of using polypeptide SEQ ID NO: 39, classified in class 514, subclass 2.
40. drawn to method of using polypeptide SEQ ID NO: 40, classified in class 514, subclass 2.
41. drawn to method of using polypeptide SEQ ID NO: 41, classified in class 514, subclass 2.
42. drawn to method of using polypeptide SEQ ID NO: 42, classified in class 514, subclass 2.
43. drawn to method of using polypeptide SEQ ID NO: 43, classified in class 514, subclass 2.
44. drawn to method of using polypeptide SEQ ID NO: 44, classified in class 514, subclass 2.
45. drawn to method of using polypeptide SEQ ID NO: 45, classified in class 514, subclass 2.
46. drawn to method of using polypeptide SEQ ID NO: 46, classified in class 514, subclass 2.
47. drawn to method of using polypeptide SEQ ID NO: 47, classified in class 514, subclass 2.
48. drawn to method of using polypeptide SEQ ID NO: 48, classified in class 514, subclass 2.
49. drawn to method of using polypeptide SEQ ID NO: 49, classified in class 514, subclass 2.
50. drawn to method of using polypeptide SEQ ID NO: 50, classified in class 514, subclass 2.
51. drawn to method of using angiotensinogen, classified in class 424, subclass 198.1.

Group II, Claims 1-16 above, further drawn to methods of using a second compound as follows;

Items 52-62

52. drawn to methods above of treating alopecia using minoxidol, classified in class 540, subclass 321.
53. drawn to methods above of treating alopecia using keratinocyte growth factor, classified in class 424, subclass 1.41+.
54. drawn to methods above of treating alopecia using fibroblast growth factor, classified in class 424, subclass 1.41+.

Art Unit: 1653

- 55. drawn to methods above of treating alopecia using epidermal growth factor, classified in class 424, subclass 1.45.
- 56. drawn to methods above of treating alopecia using butyric acid, classified in class 562+.
- 57. drawn to methods above of treating alopecia using ammonium trichloro-(dioxethylene-0,0') tellurate, classified in class 514, subclass 183.
- 58. drawn to methods above of treating alopecia using interleukin 1, classified in class 530, subclass 351.
- 59. drawn to methods above of treating alopecia using prostaglandin E2, classified in class 562, subclass 503.
- 60. drawn to methods above of treating alopecia using cyclosporine A, classified in class 514, subclass 9.
- 61. drawn to methods above of treating alopecia using corticosteroids, classified in class 552, subclass 588.
- 62. drawn to methods above of treating alopecia using calcitriol, classified in class 552, subclass 653.

The methods of Items 1-51 are drawn to polypeptides that are different in structure and in function. Therefore, the methods including Items 1-51 are patentably distinct. If any one of Items 1-51 is elected, then the elected item will be examined only in so far as it pertains to the elected invention. In addition to election of one polypeptide sequence of Items 1-51, the Applicants are required to elect one of Items 52-62 as a second compound for use in the methods of claim 1. Items 52-62 are different in

Art Unit: 1653

structure and in function. Therefore, the methods including Items 52-62 are patentably distinct. If any one of Items 52-62 is elected, then the elected item will be examined only in so far as it pertains to the elected invention.

2. A telephone call was made to David S. Harper on 10 July 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Dell Chism whose telephone number is 703-306-5815. The examiner can normally be reached on 7:30 AM - 4:30 PM, Monday through Friday.

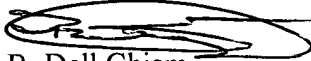
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Christopher Low can be reached on 703-308-2329. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications.

Application/Control Number: 09/723,255


Page 7

Art Unit: 1653

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.


B. Dell Chism

10 July 2002


CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600